

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Regular Meeting and Public Hearing

October 8, 2013

Chairman Michele Camerota called the regular meeting of the Newington Town Plan and Zoning Commission to order at 7:00 p.m. in Conference Room L101 at the Newington Town Hall, 131 Cedar Street, Newington, Connecticut.

I. ROLL CALL AND SEATING OF ALTERNATES

Commissioners Present

Commissioner Frank Aieta
Commissioner Carol Anest
Chairman Michele Camerota
Commissioner Michael Camillo
Commissioner Cathleen Hall
Commissioner Stanley Sobieski
Commissioner Audra Ekstrom-A
Commissioner Kenneth Leggo-A

Commissioners Absent

Staff Present

Craig Minor, Town Planner

Commissioner Leggo was seated for the vacant position formerly filled by Chairman Pruett.

II. APPROVAL OF AGENDA

Chairman Camerota: Are there any changes to the Agenda?

Craig Minor: Yes Madam Chairman, two items, two items that just came in. I'd like to add to the agenda Application 55-13: Special Exception (Section 6.6.2: Liquor Permit at 32A Fenn Road (Tango Pizza) Hayes Kaufman Newington Associates LLC owner, Baires LLC, applicant, Albert Carrido, 151 Carr Avenue, Newington, CT, contact. This is that pizza restaurant that you approved a couple of months ago, but he wants to sell beer and wine, so he needs to get a permit.

Commissioner Aieta: Didn't we ask him at the meeting if he was doing liquor?

Craig Minor: Yes you did, but I must have been writing notes or doing something because I didn't notice that you had asked him that because if I had I would have said, you still have to come back and apply separately for this.

Commissioner Aieta: When restaurants come in we have to ask them so that.....

Chairman Camerota: I think we realize that now.

Craig Minor: The other one is a bond reduction for Farmington Bank, item eight B.

Chairman Camerota: Any questions? Can I have a motion to amend the agenda as presented by the Town Planner.

Commissioner Sobieski moved to amend the agenda as presented. The motion was seconded by Commissioner Camillo. The vote was unanimously in favor of the motion, with six voting YES.

III. **PUBLIC HEARING:**

A. Petition 52-13: Special Exception (Section 6.2.4: Free Standing Sign) at 3237 Berlin Turnpike. National Sign Corporation, applicant, Rockledge Properties, owner, Tracy Becker, National Sign Corporation, 780 Four Rod Road, Berlin CT, contact. Continued from September 25, 2013.

Chairman Camerota: I see that the petitioner is here.

Tracy Becker: I am, Tracy Becker, 42 Marriott Circle in Wallingford. Mr. Minor passed out a handout comparing the current Sovereign sign to the proposed Santander sign. So overall, it's slightly taller, but every other dimension is smaller. The sign itself is considerably smaller.

Chairman Camerota: Craig, any comments?

Craig Minor: No.

Chairman Camerota: Commissioner questions or comments?

Commissioner Aieta: The Sovereign sign that is there now has, per the picture that you supplied, they don't have the bottom part on it, do they? Where it has the 24 hour ATM on it?

Tracy Becker: That is there now.

Commissioner Aieta: That's there now, okay, are you eliminating that piece and just putting it on the pylon?

Tracy Becker: Yes, everything about that sign is being removed....

Commissioner Aieta: So the new sign will only have the pole, so you will be able to see through the bottom.....

Tracy Becker: I think it's solid as well, from the original submission. I don't know if you have that from last time, I can pass out what I have.

Commissioner Aieta: What is this depicting, this drawing?

Tracy Becker: That's the size of the current sign, that was in the property file.

Commissioner Aieta: So the new sign, you are going to close in the base?

Tracy Becker: Yes. I have that, if you would like to see it?

Commissioner Aieta: Yes, please. Just one more question if I may, what is the purpose of closing in the base if you are only going to have 24 hour ATM at the top in small letters?

Tracy Becker: Actually, that 24 hour ATM at the top is on the current sign, it won't be on the proposed sign.

Commissioner Aieta: Then what is the purpose of closing the base?

Tracy Becker: I think it's just an aesthetic, it matches all of their other properties.

Commissioner Aieta: Because the sign with just the pylon or the poles gives you more visibility underneath the sign.

Tracy Becker: Right. Where this location is, it's far enough back, it's not really a sight hazard for the Berlin Turnpike.

Commissioner Aieta: Okay.

Tracy Becker: I've parked there many times, I can attest to that.

Chairman Camerota: Any other Commissioner questions or comments? If you would have a seat Ms. Becker, we are going to ask the public if there are any comments from them. Is there anyone from the public wishing to speak in favor of this petition? Anyone from the public wishing to speak against this petition? Seeing none, what is the Commission's pleasure on this petition?

Commissioner Anest: I think we can close it.

Chairman Camerota: Do you want to put it on Old Business tonight or leave it for next time?

Commissioner Anest: I don't think there is any urgency, they aren't going to change their name until some time in October. Well, it is October.

Craig Minor: I have a draft motion for you.

Commissioner Aieta: If there is nothing else to add, we could get rid of it tonight, if we are just going to hold it over, and there are no other suggestions or comments, then it doesn't make any sense.

Commissioner Hall: I just think that there is really no purpose to holding it. Do it.

Chairman Camerota: Can I have a motion to close Petition 52-13 and move it to Old Business for voting tonight.

Commissioner Aieta moved to close Petition 52-13 and move it to Old Business for voting tonight. The motion was seconded by Commissioner Sobieski. The vote was unanimously in favor of the motion, with six voting YES.

IV. **PUBLIC PARTICIPATION** (for items not listed on the Agenda, speakers limited to two minutes.)

None

V. **REMARKS BY COMMISSIONERS**

None

VI. MINUTES

A. September 25, 2013

Commissioner Sobieski moved to accept the minutes of the September 25, 2013 Regular Meeting. The motion was seconded by Commissioner Aieta. The vote was unanimously in favor of the motion, with six voting YES.

VII. NEW BUSINESS

A. Petition 47-13 Zoning Text Amendment (New Section 6.15: Medical Marijuana) Town Plan and Zoning Commission, applicant.

Craig Minor: Last meeting I was asked to have a map prepared that would show the areas of town where, under the draft regulations a medical marijuana dispensary or a production facility could be allowed and the map that I passed out, it's a little hard to read, but the slightly less gray area on the west side of town, around the Hayes Stop and Shop shopping center, that slightly lighter gray area would be eligible, there's a little bit of an area north, straddling the busway which is landlocked which is academic, and way up on the top northeast corner of town, I'm sorry I don't know the name of that road that comes off of Hartford.....

Commissioner Anest: North Mountain Road.

Craig Minor: That's right, thank you, there's a little wedge of light gray area where someone could apply, and a little bit of land at the quarry.

Commissioner Anest: Could you show us on that map?

Craig Minor: Oh yes, I'll say this again for the benefit of the audience. This area here, this little area here, the little area up here and an area here. Those meet the requirements of being in the Industrial zone, a thousand feet from a church, school or playground, a thousand feet from a residential zone, those are the criteria. Now,.....

Commissioner Camillo: Mountain Road? North Mountain Road?

Craig Minor: Yes, that's Industrial zone.

Commissioner Camillo: Well, then you have it on the other side, correct? This side of Hartford Avenue? The Balf Quarry area.

Craig Minor: It's an arbitrary piece of land. It's a piece of land that meets these three arbitrary criteria, a thousand feet from a school or playground, at least a thousand feet from a residential zone, and is in the Industrial zone itself, but it's landlocked so we can't do anything with it.

Commissioner Anest: So there is not any public land?

Craig Minor: Oh, actually yes. If you look very carefully in the middle of the Eddy Farm, there is a little tiny spot.....

Commissioner Anest: So that is the only.....

Craig Minor: And if you look carefully, there is a little protuberance about here, on your map.

Commissioner Aieta: Can you show where the applicant's piece of property is that precipitated us to look at this.

Craig Minor: Right. Stamm Road, which would not be eligible. It's less than a thousand feet from the residential zone nearby.

Commissioner Anest: So there is nothing, public land use, that would be.....

Craig Minor: Correct.

Commissioner Anest: So we could take it.....

Craig Minor: Take it off the list and not really affect anyone.

Chairman Camerota: I thought taking it off the list only because I feel if you put something out there, that you really can't use, it's really like.....

Commissioner Aieta: I think we should take it off also.

Chairman Camerota: It's not really of any assistance. Any other questions?

Craig Minor: The thousand foot distance that we are using, that was liberated from another town's regulations. The State regs simply say that the Commissioner of Consumer Protection will take into consideration the possible negative affect on the church or school or playground of a proposed distribution or production facility, but there is no actual prohibition in the state regs, so this is something that is not redundant. I wasn't sure last time whether it was redundant or not, but it's not. This is something that would be in addition to the State's regulations.

Chairman Camerota: You didn't give us a draft for tonight?

Craig Minor: It's the same as last time. It's the one I gave you the last time, made the change that you asked for at the meeting before.....

Chairman Camerota: This has the wrong time frame for the hours of operation.

Craig Minor: Oh, I'm sorry, I thought I had given you those changes. Okay, I'll mail them to you tomorrow so you will have them.

Chairman Camerota: Anything else on the medical marijuana.

Commissioner Anest: Are you going to take the public land.....

Craig Minor: I'll take the public land out, yes.

Commissioner Aieta: If I might, it doesn't look as if there is much area in the town, after looking at this that would basically qualify, except for the piece on Fenn Road, and I don't know each particular piece of property, but Cathy, are you familiar with any of these pieces of property that.....

Commissioner Hall: Very. A lot of it is wetlands, and then you have the part that Central wanted, over what used to be called the Marshall Farm and then I believe you also have all of

the buildings that are already occupied, going farther on Fenn Road, the Curtis, all of that goes up there to about pretty much DeCosta Drive, a little bit south of that.

Commissioner Aieta: There is some on the southern part of Cedar Street too?

Commissioner Hall: Yeah, that's that part, WPOP....

Commissioner Aieta: Yeah, that's part of it too.

Commissioner Hall: So again, it's a lot of wetlands and busway area, a lot of busway.

Commissioner Anest: I have a question. What was approved for Hayes, down near the Stop and Shop for the hotel?

Craig Minor: Yeah, but that's PD Zone.

Commissioner Hall: That's the darker gray.

Commissioner Anest: Right, but, if that went there, would that be considered housing, so if that went there, would that affect that area? It was extended stay, how would that play for the thousand feet?

Craig Minor: That would be a commercial use. So that wouldn't create a buffer.

Commissioner Anest: Now, would any of these areas be affected if someone built a residence that bordered it? What would happen?

Craig Minor: Well, the buffer is based on the zoning boundary, so even if someone somehow got a variance to build a house in the Industrial zone, that wouldn't have a prohibiting affect on the.....

Commissioner Anest: No, but what about the thousand feet. You're going by the residential zone?

Craig Minor: Right. Exactly.

Commissioner Hall: There are a couple of projects not on here. For example, all of King Arthur's Way is not on here. That's apartments. And it looks as if Pulte isn't there either. None of that is up here. Those streets are not even up there.

Commissioner Aieta: Those are residential zones, right? So that would eliminate this area also, wouldn't it?

Commissioner Hall: I think so, because.....

Craig Minor: Cathy, are you talking about these roads here? Barkledge, Sterling..... The streets themselves?

Commissioner Hall: So this might be farther south....

Craig Minor: Well, that thousand linear feet requirement is, that's not capricious, but it is arbitrary. If you used a number like 750, a less restrictive number, that would open up more area in town, so if you want, I can ask our GIS people to prepare a map showing how much

land would become eligible if we used a less restrictive buffer, play with the map, see what.....

Commissioner Hall: I think we like the thousand.

Commissioner Aieta: In light of that, in light of not having the residential property on Fenn Road shown which would basically cut down that area also.....

Craig Minor: No, the impact of the residential zoning is still reflected in these buffers.

Commissioner Hall: Right, it's just that the streets are not shown.

Commissioner Aieta: So they did take into consideration with this lighter gray that that is a thousand feet from the residence zone?

Commissioner Hall: Do you have King Arthur's Way in there, on that green, where your left hand is?

Craig Minor: Yes. That's King Arthur's Way there, and I'm not sure what the scale is, but presumably, that's a thousand feet, from the edge of the residential zone, but I'll check, I'll double check that our GIS person took into account a thousand foot buffer around that zone also because it's a residential planned zone, it's not like a R-7 or a R-12 or a R-20, so he might not have thought to include that, so I'll double check.

Commissioner Aieta: It's still a residential zone.

Commissioner Hall: Exactly.

Commissioner Aieta: In light of that, if there is no place to put it, then maybe we should reconsider whether we even put a regulation in that is redundant. I mean, if there is no place to put it, why should we even have a regulation? The person that precipitated this, coming to us, is not able to even apply for it, because he is not within the requirements of a thousand feet. What happens to him at 750?

Craig Minor: I don't know. That's why I was suggesting that we generate a map at 750 and see if that opens up Stamm Road.

Commissioner Aieta: I don't think so, because there are houses right at the top of the ridge.

Chairman Camerota: I would like to see what 750 does, to see if it pulls in a whole bunch of locations, but if the rest of the Commission is not on board with that, because we did have 750 and we did change it to 1000.

Commissioner Anest: If you are going to go back and have them consider that other zone, then you might as well do it at the same time, just bring it up.

Craig Minor: It's just paper, so I'll have them generate one using 750 as the buffer. Okay, I'll do that.

Chairman Camerota: And Frank may have a point, there may be no point in having the regulation if it's not going to be something that is reasonable. No sense getting someone who wants to come here, their hopes up, only to find out that there is not place that they can go. So, we'll have to talk about it.

Commissioner Aieta: We have plenty of time now since the applicant is not able to go forward with his application.

Craig Minor: Well, there is a deadline that I will tell you about, although it is not your problem, the State of Connecticut has set a deadline of I think late November for people to apply for a state license to do this, and even if we rushed, I don't think we could get a new regulation in place in time for someone to apply for the first round of permits, and I believe there probably won't be another round, if there even is one, for another year or two. So this might, as we speak, be moot anyway at this point, October 8th.

Commissioner Hall: Do they have to have a site before they can apply for the permit?

Craig Minor: I believe so, yes.

Chairman Camerota: A site approved, or a site just in mind?

Craig Minor: No, I think they have to have local zoning approval. Or at least be able to tell the State that it is allowed, because there are some towns, where it is as of right, like Middletown, you don't have to get anything from Middletown, so I imagine that someone from Middletown can apply saying that the zoning regulations allow my use, and.....

Chairman Camerota: I just don't think that there are that many towns that have addressed it, so it seems a little odd to me. I don't think they are going to get many applications if that is the criteria.

Craig Minor: Not to put you on the spot, but we have the benefit of a Newington resident who is involved in the process, do you want to invite her to.....

Chairman Camerota: Sure. You can tell us all our misinterpretations.

Elisa Nahan: No, I'm very impressed. I'm Elisa Nahan, 29 Salem Drive, I'm legal director for the Department of Consumer Protection. The deadline is November 15th, and at that time applicants must have a right to occupy. If there is zoning approval that is not given at that point, they can apply while it is pending, and then they can just submit their, the update at that time. The Department hopes to be able to approve people by the end of the year, by the end of 2013. That's the hope.

Chairman Camerota: Thank you.

Elisa Nahan: If there are any other questions that I can answer, I'd be glad to.

Chairman Camerota: Any questions? Thank you. So you are going to check on that map and have an amended regulation.

Craig Minor: Yes, for the next meeting.

Bond Reduction Request #1 for Farmington Bank at 1095 Main Street

Craig Minor: Also on the table is a memo, and the request from the developer and the spread sheet from the public works department. You have a memo, which I won't read, but the bond that we actually have for Farmington Bank is in the amount of \$16, 995. The Town Engineering Department was working from a spread sheet which was prepared back when we thought there would be \$8,000 more bond because of a shed that was supposed to be

moved which no longer needs to be moved because the environmental issue no longer exists. So my point is, we only have \$16,995 of the applicant's money anyway, so I therefore recommend that TPZ release \$14, 000 of this amount, and that will leave \$2,995.00 to cover the cost of some un-submitted documents as well as a little bit of landscaping and grading that hasn't been done yet.

Commissioner Aieta: And \$3,000 is enough to accomplish that?

Craig Minor: Well, it's really just incentive to make sure that the applicant does give us the digital site plan drainage certification from their engineer, which is just a letter that their engineer needs to give our engineer, the mylar that we're withholding a thousand dollars for, and there are a couple of areas on the site that the Town Engineer's assistant felt were a little bare, where there was topsoil rather than grass, and so that he recommended withholding some for that.

Chairman Camerota: How many areas and how big approximately?

Craig Minor: Oh, very small, in fact the Town Engineer's assistant originally recommended withholding about ten percent of the amount, but I said, ten percent of one thousand dollars is very little, so I bumped that up a little. Really, it's just to keep their attention, make sure that they follow through on it.

Commissioner Anest: We know from experience it doesn't get their attention.

Commissioner Aieta: I think maybe \$3,000.....

Craig Minor: You're right, some applicants, it takes twenty years, we still have their money. I think probably a Farmington Bank, they're going to do the right thing.

Chairman Camerota: Do they know that we actually want them to put grass in these areas?

Craig Minor: No, because I just got this from the Town Engineer yesterday and I haven't contacted them yet, but I will tell them that we want them to tidy up some of the turf establishment, and I think there is an area where the mulch is kind of migrating a little bit, so maybe just tidy it up.

Commissioner Anest: That's going to happen with people walking on it.

Craig Minor: True.

Chairman Camerota: Any questions, comments? Is everyone in favor of reducing it? Can I have a motion?

Commissioner Sobieski moved to reduce the bond for Farmington Savings Bank by \$14,000. The motion was seconded by Commissioner Camillo. The vote was unanimously in favor of the motion, with six voting YES.

VIII. OLD BUSINESS

A. Petition 44-13: Special Exception (Section 3.2.5: Convalescent or Nursing Home at 2125 Main Street, Middlewoods of Newington, owner/applicant, David Lawler, 580 Long Hill Avenue, Shelton, CT contact. Continued from September 11, 2013.

Commissioner Sobieski moved to approve, with conditions, Petition 44-13: Special Exception (Section 3.2.5: Convalescent or Nursing Home) at 2125 Main Street, Middlewoods of Newington, owner/applicant; David Lawler, 580 Long Hill Avenue, Shelton, CT, contact.

CONDITIONS:

1. The Applicant will install "No Parking" signs along the outside curb of the driveway behind the building. The management will direct the staff to not park there, and enforce it.
2. The Applicant will have "Fire Lane" striping applied to the pavement where appropriate.
3. There will be no trash pickup before 8:00 a.m.
4. The Applicant will install a fence along the 2121 Main Street property line.

The motion was seconded by Commissioner Aieta.

Chairman Camerota: Any questions, comments?

Commissioner Anest: I just have a question. Is there any fence type that was agreed on, or height?

Craig Minor: Not that I saw in the minutes. If you want to specify a height, we can talk about that now.

Commissioner Aieta: If I remember correctly, I thought that the applicant said that they were going to get the property owner involved in the fence. I could be mistaken, but that's what I thought I heard. I don't know if anybody else heard that, that the property owner was going to get involved with the actual, what the fence was going to be.

Chairman Camerota: That was my understanding as well.

Commissioner Aieta: We could make that part of the motion if you wanted to do that,

Craig Minor: Should we say, height to be determined upon consultation with the neighbor.

Chairman Camerota: Well, I think it was more than the height.

Commissioner Aieta: The height, and the type of fence. I mean, what if they want to put up....

Craig Minor: Okay, then it would be better for this Commission to decide what type of fence it will be, because if you leave it to the, we can't leave it to the neighbor because that gives the neighbor an incredible amount of power over the applicant, but I think you need to decide what type of fence you think is appropriate.

Chairman Camerota: Well, that's why I thought that they, in consultation with

Craig Minor: If we leave simply at, something to the effect of after discussing it with the applicant, but not giving the neighbor the ability to make the final decision, that's reasonable. It has no teeth, but.....

Chairman Camerota: Or, we specify a height, and then install it.

Craig Minor: I was going to specify a chain link fence with privacy slats, but I stopped.

Commissioner Aieta: No, they are going to be looking for more like a stockade type fence, either.....

Craig Minor: Well, is that appropriate now? This has been here for what, ten or fifteen years, now all of a sudden, you're going to make them put up a stockade fence?

Commissioner Aieta: Well, do you think a chain link fence is cheaper than a stockade fence?

Craig Minor: I don't think any fence is appropriate in the first place, but you're trying to be cooperative to the neighbors, you're trying to give them some.....

Commissioner Aieta: The applicant went along with it, he had no problem providing that fence, so if he wants to provide it, and we could keep the neighbor happy, I think that is part of our job.

Craig Minor: True, but I don't want to leave it to the neighbor to dictate what the fence will be, and at this point, without re-opening the hearing, there is no way to get the neighbor's and the applicant's in-put.

Commissioner Hall: Well, I remember, but then again, my brain is old, so they were talking about putting the fence along the property line and the applicant said they didn't want it on the property line. So then they were talking about bringing it down farther so I was wondering how the heck that was going to.....

Craig Minor: No, I think the home owner said she didn't want the fence on her property which she and the applicant were initially talking about, which I thought was ridiculous, but if that's what they want, fine, but then she, I guess she realized that if the fence was on her property, she would have to pay taxes on it, and that's when she said no, I'd rather it stay on the, Middlewoods property.

Commissioner Hall: Right, so is it still going to be on the line?

Craig Minor: The location is not the question, or the unknown, but what is unknown is what material will be, and that is up to you.

Commissioner Leggo: Craig, you're saying it can be phrased that upon discussion.....

Craig Minor: Right.

Commissioner Leggo: That seems like the most sensible way to go right now.

Craig Minor: It's kind of meaningless, because it doesn't really have any teeth. That's why I think it's better for you to decide what the fence should look like, and that can be a condition of approval.

Commissioner Sobieski: I thought that both the applicant and Mr. Swift were going to work it out and decide what they were both comfortable with.

Craig Minor: The problem is we don't know what that is so we can't put that in the permit.

Commissioner Hall: Do we have to do it tonight?

Chairman Camerota: No, we do not have to do it tonight.

Craig Minor: We could re-open the hearing, no.....

Commissioner Hall: We just can't find out informally what they want to do?

Craig Minor: Tell you what, I will come back next month with an amended draft motion, I mean, next meeting, I'll come back with a revised motion.

Chairman Camerota: I don't want to specify something that they don't want to agree to.

Craig Minor: Okay, that's good, so maybe withdraw the motion?

Chairman Camerota: Stanley, do you withdraw the motion?

Commissioner Sobieski: I will withdraw my motion.

Commissioner Aieta: I will withdraw the second.

Chairman Camerota: And so we will hold this over until next time, under Old Business. We will also continue Petition 43-13.

- a. **Petition 43-13: Site Plan Modification (Assisted Living at 2125 Main Street, Middlewoods of Newington, owner/applicant, David Lawler, 580 Long Hill Avenue, Shelton CT, contact.**

Continued

- b. **Petition 51-13: Special Exception (Section 3.2.9: Child Care) at 82 Candlewyck Drive, Agnieszka Haim, 82 Candlewyck Drive, Newington, CT owner/applicant/contact. Continued from September 11, 2013.**

Commissioner Leggo moved to approve, with conditions, Petition 51-13: Special Exception Section 3.2.9: Family Day Care at 82 Candlewyck Drive. Agnieszka Kaim, owner/applicant/contact.

CONDITIONS:

1. Parents dropping off and picking up children will park in the driveway and not on Salem Drive nor Candlewyck Drive.
2. Arborvitae or other suitable evergreens not less than 6' tall shall be planted along the north property line to create a visual screen.
3. This special permit expires on October 8, 2015. The applicant may submit a request to renew it not later than August 8, 2015. The TPZ may renew this special permit after a public hearing.
4. There shall be no additional staff.

The motion was seconded by Commissioner Sobieski.

Commissioner Hall: I didn't remember that it was the north boundary that was going to have the arborvitae. I thought it was the west, east, not west. West is the street. She faces west, her backyard is east.

Commissioner Aieta: I thought it was the north, but it's the way that it is situated, so I think Cathy is right.

Commissioner Hall: I think it was the neighbor to the east that was concerned.

Commissioner Aieta: The neighbor in the backyard that faces the east.

Chairman Camerota: Any other questions or comments?

Commissioner Aieta: Just a comment, the first meeting there were a lot of people that came and were talking again the petition, and then the second meeting, it looked like it turned around, and a lot of people came in and because of the changes they were not against the petition. As a matter of fact, some of the people were in favor because they have children that were going to be, possibly use the facility. In light of that, I'm not against this petition. Normally this type of petition, this type of activity in a residential zone I would not be in favor of if all of the neighbors were against it, but it doesn't look as if that is the way that this is coming out on this particular piece.

Chairman Camerota: I think the applicant did a good job of finding out what was wrong and addressing it as best she could. I think also the fact that it is only for two years and then we have an opportunity to have a hearing to find out if there are any problems, and then renew it, it works well in this situation. Any other Commissioner comments or questions?

The vote was in favor of the motion, with the correction as stated by Commissioner Hall with six voting YES.

Petition 52-13

Special Exception Section 6.2.4 Free Standing Sign

3237 Berlin Turnpike

Tracy Becker, National Sign Corporation, contact

Commissioner Aieta moved to approve Petition 52-13 Special Exception Section 6.2.4 Free Standing Sign at 3237 Berlin Turnpike. National Sign Corporation applicant, Rockledge

Properties owner, Tracy Becker, National Sign Corporation 780 Four Rod Road, Berlin, CT, contact.

CONDITIONS:

None

The motion was seconded by Commissioner Sobieski. The vote was unanimously in favor of the motion, with six voting YES.

IX. PETITIONS FOR PUBLIC HEARING SCHEDULING

Craig Minor: This is application 55-13 to sell alcohol at the Tango Pizza restaurant, and I think we can do it at the next meeting.

Chairman Camerota: Anyone have any questions or concerns at this point?

Commissioner Aieta: Just a question. Is he open for business yet?

Craig Minor: No. He's not ready to open yet, plus he wants to have a liquor license before he opens.

X. TOWN PLANNER REPORT

A. Town Planner Report for October 9, 2013

Craig Minor: Zoning Enforcement Issues raised at previous TPZ meetings; those chairs and tables, but now, you have two tables off of the south side of the building, he's got some chairs behind the building, there's no law against having some chairs behind your building, and some tables behind the other side of your building. It looks horrible, but it's not a violation. It's tacky, but it's not a zoning violation.

Commissioner Anest: Is it a blight condition?

Craig Minor: No, I don't think it's blight, I don't think it meets our definition of blight which talks about broken windows, overgrown grass, pieces of the building falling off, I can ask Art to look at it, as blight, to see if it qualifies, but I don't think it does.

Commissioner Aieta: What did the gentleman say to Art why he won't remove them? Did he give him an explanation of why he has to have them there? Is it just because he doesn't have a place to store them?

Craig Minor: Well, Art told me that one of his reasons was he doesn't have room in the building for them. That was one of his reasons. That's what he said. So not good news for you on that one.

Old Performance Bonds held by the Town: I have this memo here.....

Commissioner Aieta: Anything change from last meeting?

Craig Minor: I did speak to, Number 4, FourPlay Sports Bar, I did speak to the surveyor on that. Oh, Zag Machine, 39 Progress Circle, I went out there, the letter came back, I sent it to 39 Progress Court, and it got rejected by the post office so I just decided to hand deliver it, and when I got there, and you people may already know this, that building, it's not

abandoned, because there is stuff inside, and I talked to Andy Brecker about it later today, but it's all overgrown, there is no business going on in there, and so I'm not sure how I can even find, well, Andy told me that the owner has a business in New Britain, that I can contact him there.

Commissioner Aieta: There is no concrete floor in it, there is a gravel floor in the thing, and he's using it as storage for other machinery and parts, and he's also letting people use it for parking of their vehicles on the site. Like you said, the place is overgrown, I don't.....

Craig Minor: But the grass was recently mowed, so.....

Commissioner Aieta: They mow the grass, but they don't do anything else.

Craig Minor: There are cars parked there, but they use it for overflow parking for other local businesses nearby.

Commissioner Anest: 95 Waverly Drive is taken care of?

Craig Minor: Yes, the neighbor has agreed to sell him the piece of land. Modern Tire, as you all know, the judge denied Modern Tire's request to reconsider. This is America, they can still appeal to the Superior Court and Supreme Court if they want to, Appellate court, thank you, so we'll see.

Chairman Camerota: Well, the twenty days, well, the twenty days is running, and there's another thing pending that motion.....

Craig Minor: Number four; the Newington Junction Planning Committee, we haven't met since my last report.

The Low Impact Development Committee met this afternoon, a nice long meeting, and the Committee and the consultants are planning to put together if the boards are amenable to this, a joint meeting in November to present to the TPZ, and Wetlands and the Town Council the low impact development regulations, the concept, and what the goals are and a brief overview of the regulations themselves, and then follow that up with an informal but more or less detailed presentation in early December. Again, get more input from the public, and then if the Commission wants to go forward with the regulation changes to the zoning and subdivision regs, that would be scheduled for late January, but again, that would only be after the committee, you ladies and gentlemen, have had a chance to go through the proposed regulation changes in detail and you are comfortable with the goals of the program and how it is being proposed to be implemented.

The Sign committee: we need to get together again.....

Commissioner Aieta: Who is left on it, just Carol, the three of us? You're on it, and me. We should see if we can come up with some kind of a plan for the trucks with the signs on them.

Craig Minor: Well, that's on there.

Commissioner Aieta: I understand that, but there's no teeth, what you have on there. I was thinking that we could have a section just for that, put it under the billboard section, because they are billboards. Either that, or you're going to have them, every business on the Berlin Turnpike because I have seen it grow in the last year from a couple, to now it's almost, it's getting out of hand. You're saying just because it's registered and it's a truck, they are using

it, these are not trucks that they are using for their business, these are trucks that they are using for signage, as a billboard.

Craig Minor: Well what do you think of the amendment that I suggested?

Commissioner Aieta: What, not having it in the front, the first row of parking, so they will move it to the second row of parking. I mean, they are still going to have it on their site, it's still going to be visible. There's got to be a way, I mean, it's obvious that they are skirting the regulations, and we have no teeth in the regulations and just because it's a registered vehicle doesn't mean that they can, I mean, some of the vehicles have been there for years, and haven't moved. I don't believe that some of the vehicles can move. If I'm the only one that feels like that on the Commission then you know, God bless them, let them keep them, let it perpetuate itself and we'll have them at every piece, but I don't think that's a goal of this town Planning and Zoning Commission to have those billboard signs, truck signs all up and down the Berlin Turnpike.

Chairman Camerota: Or other places in town, I do see them in other places, not just the Berlin Turnpike.

Chairman Camerota: So do you want to propose dates for the committee?

Craig Minor: I'll do that.

Commissioner Leggo: I just wanted to comment too, I think that it really is, I don't want to use the word eyesore, but it really isn't too appealing, going up and down the Berlin Turnpike or any street, and seeing, besides the signs on buildings and signs that should be there, trucks also being used as signs. I don't know what the true answer is, but yeah, it really isn't appealing as you are driving down the road.

Chairman Camerota: There is a difference too, some have their trucks detailed for what their business is, and they drive them all around town, this is not what is happening.

Commissioner Leggo: That's not what we are talking about.

Chairman Camerota: Right.

Commissioner Aieta: Why don't we put the onus on them and put it in the regulations that they are not allowed, and start enforcing it, and let them take us to court, and then we'll find out, everybody says it's unconstitutional and all, I don't believe that, because these are not signs that, these are not trucks that are part of their business. These are trucks that they bought specifically to put billboards on and park there for eternity. That's the purpose of these things, to get extra signage for their business.

Craig Minor: And there is a reason why there is a market for those very special trucks that are nothing but billboards on a truck, because they are exempt from local zoning regulations. That's why they make them, that's why people buy them.

Chairman Camerota: We will discuss this at the sign committee.....

Commissioner Anest: Can you just check again with the other towns and see if maybe something in the last two months has changed.

Craig Minor: Yes, sure

Commissioner Aieta: I don't see it driving around in different towns, I don't see it in some of the other towns where they have it as bad as we do, I mean, it's getting worse and worse.

Chairman Camerota: I think it's probably because we have like a main area....

Commissioner Aieta: A main drag, right.

Chairman Camerota: Two lane highway on each side, so.....

B. Street name "Packard's Way"

Craig Minor: The subdivision, Packard's Way on Maple Hill Avenue, everybody knows it as Packard's Way although it started out as, it had a different name when it started, but then, it was approved in 2006 and then a couple of years later Mrs. DiMauro, the owner, the developer came to the Commission and asked that the name be changed to Packard's Way. Packard with an apostrophe S, Packard's Way. But for some reason the motion, and it's in the minutes, was to change the name to Packard Way. So, and apparently the MDC picked up on that because they went back and read the minutes, so the MDC is calling it Packard Way and we've been asked by the post office and by the town, what is the real name. I said, it's Packard's Way and went to the minutes and saw that it is Packard Way. That's what you approved, your predecessors, so I'm here tonight to ask you to officially, for the record, reaffirm that the name of the development, the name of the street is Packard's Way.

Chairman Camerota: And is that what the developer wants? Is that what she.....

Craig Minor: Yes, that's what she has always called it. I know that there was some discussion in the text of the minutes, was it Packard's Way, apostrophe S, or not, but for some reason got approved as Packard Way. So if you could just reaffirm that it was the intent to name the road Packard's Way. A motion to affirm that that was the intent or the name of the road is Packard's Way.

Commissioner Anest moved to reaffirm the name of Packard's Way, as P-A-C-K-A-R-D-'S Way. The motion was seconded by Commissioner Sobieski. The vote was unanimously in favor of the motion, with six voting YES.

Craig Minor: Thank you.

XI. COMMUNICATIONS

None

XII. PUBLIC PARTICIPATION (for items not listed on the Agenda; speakers limited to two minutes.)

Rose Lyons, 46 Elton Drive: I didn't see the sign subcommittee on the agenda, I just, if you will indulge me a little here, I'm a little concerned about the sign at the post office. I don't know if that is something that came through this committee or not. It's a rather large sign, and they are starting to clean up the area now, and just the other day I was pulling out of there, and as I pulled out, it's not so bad when you are in a smaller car, but I think if you are in a truck or something, there might be some sight problems. I don't believe that it is government property, I believe it belongs to Best Yet Market, that whole property. I'm assuming that when you do come up with new sign regulations that they will come before the public at a public hearing for input, and the same way with some Veteran's organizations.

I've noticed there are signs out in front of halls for months on end, I don't know what the regulation is on that, but just some input since you mentioned that you were having a committee meeting, I thought I would mention it here. Thank you.

Chairman Camerota: Thank you Rose. Anyone else wishing to speak on items not listed on the agenda?

Jim Swift: Point of Order, Madam Chair. If I might, there were two items that were on the agenda, was a discussion that I caught the end of. No one can speak on items that were Public Hearing that was closed as a matter of state statute, but one of the items was a site plan modification which was not a public hearing. It seems to me that by statute the Commission can receive information in relation to a site plan.

Chairman Camerota: But it's under Old Business now, and actually the item that you are speaking about is also under the Public Hearing part. I don't mind, but, I need you to come forward, state your name and address for the record though.

Jim Swift: Jim Swift, professional engineer, 102 Village Drive, Shelton, Connecticut. Again, without addressing the special exception application for the board, Petition 44-13, which is a closed public hearing, I will not speak to that, Petition 43-13, which is site plan modification is not a public hearing, and I can give the Commission information on that particular application. The information that I would like to offer is that we agreed with the ajouter to put up a six foot natural cedar fence for that application and we would like to ask the Commission that they reconsider acting on this application.

Chairman Camerota: We would not reconsider acting on the application tonight, since we have already passed it, and also it relates to the public hearing, so we will wait until the next time.

Jim Swift: Thank you.

Chairman Camerota: You're welcome. Anyone else from the public wishing to speak on items on listed on the agenda?

XIII. REMARKS BY COMMISSIONERS

Commissioner Hall: I just have one question on the sign theme. Remember Saputo? Fenn Road. While we were listening to the petitions and having public hearings and whatever, there was a certain size sign that was about half way down the driveway, then when we approved it, it came closer to the road, but it was the same sign, and now, within the past two weeks, there is a larger sign on the other side of the driveway closer to the road. Can we just check and make sure what is up there is what we approved? I have seen three signs in three different places.

Chairman Camerota: They're trying it out?

Commissioner Hall: Well, that's kind of what it seemed, as if this was the best site and size and whatever, but I just wanted to make sure it's what we approved.

Commissioner Aieta: I thought we approved the location that it was originally.....

Commissioner Hall: Well, I remember asking him that night, the sign that is there right now, is that the sign that we are approving, and he said yes. That has since moved to the street.

Commissioner Aieta: That is not what we approved.

Commissioner Anest: The one that I saw is pushed back, and it was on the north side of the yard.

Commissioner Aieta: And that is the original sign location that she brought up, that Cathy brought up and said, is this the location, and he said yes. Now if it has moved from that location, it's not what we approved.

Commissioner Anest: Where is it now?

Commissioner Hall: It's on a pole, north of the driveway, closer to the street.

Commissioner Anest: Did they not take down the original sign?

Commissioner Hall: I don't know.

Commissioner Camillo: The original sign, the sign that we approved was set back from the road.

Commissioner Hall: So if we could just make sure that it is what we approved?

Craig Minor: Okay, I'll look into that.

XIV. CLOSING REMARKS BY CHAIRMAN

None

XV. ADJOURNMENT

Commissioner Aieta moved to adjourn the meeting. The motion was seconded by Commissioner Sobieski. The meeting was adjourned at 8:00 p.m.

Respectfully submitted,

Norine Addis,
Recording Secretary